

Jan. 7, 1977

STATE OF NEW HAMPSHIRE

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

BEDFORD POLICE ASSOCIATION, :
 Bedford, New Hampshire :
 and :
 TOWN OF BEDFORD, NEW HAMPSHIRE :

CASE NO. P-0701
Decision 77-02

APPEARANCES

TOWN OF BEDFORD, NEW HAMPSHIRE: James Higgins, Attorney, Sheehan, Phinney, Bass and Green of Manchester representing the Board of Selectmen; and Robert Brooks, Selectman, Town of Bedford, New Hampshire.

BEDFORD POLICE ASSOCIATION: Emile R. Bussiere, Attorney of Manchester, New Hampshire representing the Bedford Police Association; and, Roger P. Grenier, Detective, Bedford Police Department and Vice President, Bedford Police Association.

CHRONOLOGY

- February 14, 1976 - PELRB received petition from the Bedford Police Association for certification under RSA 273-A.
- February 24, 1976 - Above petition returned to the Bedford Police Association for submission on proper forms.
- May 3, 1976 - Petition for Conduct of Election received from the Bedford Police Association; petition included required signature cards from employees of the Town of Bedford, Police Department.
- July 15, 1976 - Public Employer, Town of Bedford, New Hampshire, was notified by certified mail of the Association's request for an election and tentative date of July 21, 1976 set for a pre-election conference.

Because of disagreement by the parties on the composition of a bargaining unit, hearing was rescheduled for a later date.
- August 5, 1976 - At 9:00 a.m., Board Representative and Hearing Officer, Edward L. Allman, held a hearing in the Town Offices. Evidence was heard from both parties. In attendance were: Alfred Lambert, Chairman of the Board of Selectmen; Messrs. Robinson and Brooks, Members of the Board of Selectmen; Richard Audett, Chief of Police; Beverly Bahara, Secretary of the Board of Selectmen; Detective Roger Grenier; Sgt. Gary Knowles; and Mrs. Agnes Charron, reporter for the Manchester Union.

- August 5, 1976 - At 2:00 p.m., Hearing Officer, Edward L. Allman, reported on the Bedford hearing to the full Public Employee Labor Relations Board in Executive Session.
- August 9, 1976 - PELRB Decision in Case No. P-0701, issued establishing the bargaining unit for the Bedford Police Department.
- August 12, 1976 - Chairman of the Board of Selectmen, Alfred Lambert, advised PELRB that the matter was being referred to Town Council for possible appeal.
- August 23, 1976 - Motion for Rehearing on PELRB decision establishing the bargaining unit filed by Attorney James E. Higgins on behalf of the Town of Bedford, New Hampshire.
- August 25, 1976 - Motion for Rehearing granted and hearing scheduled for September 14, 1976 at 1:00 p.m. in Concord, New Hampshire.
- September 14, 1976 - Rehearing held at 1:00 p.m., Room 306, Legislative Office Building, North State Street, Concord, New Hampshire. Testimony heard from Chief of Police, Richard Audett and Alfred J. Lambert, Chairman, Board of Selectmen; also, testimony from Detective Roger Grenier of the Bedford Police Department.
- October 5, 1976 - PELRB reaffirmed its original decision of August 9, 1976 constituting the bargaining unit for the Bedford Police Department.
- October 15, 1976 - Bedford Police Association after knowledge that the bargaining unit had been created, filed their intention to negotiate with the Town of Bedford, New Hampshire.
- October 22, 1976 - Public Employer, Town of Bedford, New Hampshire, refused to recognize the Bedford Police Association because an election had not been conducted and the Bedford Police Association did not possess a certification as a result of an election.
- November 4, 1976 - Election conducted by PELRB at which time, after the above cited action had transpired, the Chairman of the Board of Selectmen objected to the conduct of the election stating he had not received proper notice.

As a courtesy to the Public Employer, the representative of PELRB agreed to impound the ballots until it had been determined whether due notice of the election had been properly sent to all interested parties.

- November 19, 1976 - PELRB determined that proper notification had been made and ballots would be counted in the presence of both parties.
- December 2, 1976 - FELRB issued certification of bargaining unit of the Bedford Police Department to the Bedford Police Association pursuant to election conducted on November 4, 1976.
- December 3, 1976 - The Public Employee, the Bedford Police Association, Bedford, New Hampshire, filed a motion for a hearing for the purpose of establishing certain facts in the case, under Rule 5 of the Public Employee Labor Relations Board's Rules and Regulations.
- December 28, 1976 - Motion for hearing granted and hearing scheduled for January 7, 1977.
- January 7, 1977 - Hearing held in Room 306, Legislative Office Building, North State Street, Concord, New Hampshire. Evidence heard from James Higgins, Attorney for the Public Employer, Town of Bedford, New Hampshire; Robert Brooks, Member of the Board of Selectmen; Attorney Emile Bussiere, representing the Public Employee, Bedford Police Association; and, Detective Roger Grenier, Vice President of the Bedford Police Association.

FINDINGS

After hearing all of the evidence and reviewing all actions pertaining to this case, the Public Employee Labor Relations Board advises that the Public Employer, Town of Bedford, New Hampshire, did not comply with the Rules and Regulations of PELRB, Section 9.4, "Filing of Budget Submission Dates", and, therefore, declares the budget submission date in the Town of Bedford, New Hampshire to be March 8, 1977 (Annual Town Meeting Date).

PELRB is of the firm opinion that the Board of Selectmen had due knowledge of the activities of the Bedford Police Association and their intent to attempt to negotiate a contract. Because of the long history of the actions in this case, it is further apparent from the evidence that the Board of Selectmen attempted to delay discussions with the Police Association through various approaches to the problems.

While there may be certain technicalities that have not been complied with by both parties because of the relative newness of the statute covering labor relations, it is the Public Employee Labor Relations Board's Order that both parties sit down and discuss their mutual problems in good faith, consistent with the intent of the statute, as set forth in the law's statement of policy which states:

"The legislature declares that it is the policy of the State to foster harmonious and cooperative relations between public employers and their employees....."

BOARD ORDER

1. Valid date of Certification of the Bedford Police Association to be November 4, 1976, day of actual balloting.
2. Budget Submission Date for the Town of Bedford, New Hampshire, to be March 8, 1977. (Annual Town Meeting Date for 1977).
3. Both parties to sit down within the next ten (10) days and negotiate in good faith.
4. Advise the Public Employee Labor Relations Board as to progress made by January 15, 1977.


EDWARD J. HASELTINE, CHAIRMAN
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 7th day of January, 1977.

Mailed to:

Alfred J. Lambert, Chairman, Board of Selectmen
James Higgins, Attorney, Sheehan, Phinney, Bass & Green
Roger P. Grenier, Detective, Bedford Police Department
Emile R. Bussiere, Attorney, Manchester, New Hampshire